

### Remarks

Claims 1-10, 12, 14-15, 17 & 19-23 were pending in the application. Claims 1, 3, 4, 6-10, 12, 19-21 and 23 are amended. Claims 12 & 19 are canceled. Claims 1-10, 14-15, 17 and 20-23 are pending. Please reconsider and reexamine the application in light of the amendments, and the remarks which follow.

Objections were made to the language "about 20 mesh" in claims 1, 12 and 23. Applicant has changed such language as suggested. The basis appears at paragraph [0009], L. 8-9 of the specification. These changes were not made to effect the scope of the claims in any manner.

Claims 1 and 10 were rejected under section 112 as being indefinite. The language "such as" considered as indefinite has been deleted in claims 1 and 10 as this language was part of the preamble only and was not included as a limitation.

Claims 8 and 9 were rejected under section 112 as being indefinite. Applicant has changed such language as suggested, i.e., such claims are amended for dependency upon claim 7.

Claims 1, 2, 6, 10, 12, 15, 19, 20 and 23 were rejected under section 102 over Grabhorn, White, and/or Crawford. Several of the claims were also rejected under section 103 in various combinations.

Claim 1 now recites an *uncontained pile placed on the beach* which is believed to be a point of novelty per 37 CFR 1.111(c) from the cited art. Moreover, it is believed the cited art does not teach or suggest same. More specifically, references like White and Crawford which show an uncontained pile teach nothing about placing such on a beach. References teaching the placement of an object on the beach all teach a contained object. None suggest

the combination or the desirability to make the combination. Claims 2-9 being dependent therefrom are also believed to be patentable.

The amendment of claim 10 is merely a combination of prior claims 10+11+12+13+15+19 with the preamble changed to be similar to the preamble of claim 20. Therefore, the basis for the amendments resides in such claims, and it is believed no additional searching is required.

The claim 10 features, as a whole, are believed to be novel and distinguish over the cited art because (1) the method is now directed to methodology for restoring a beach; (2) the grinding of the starter material into pieces having a target size within the range of about 0.2 inch to about six inches is *critical* to achieving result oriented variables in the overall claimed methodology as explained and declared in the specification at paragraph [0008] lines 2-9 of the specification and at paragraph [0010] lines 8-13 of the specification. Obviousness may be rebutted by showing *criticality* of the claimed range. See MPEP 2144.05; (3) the “piling of the base product... in an uncontained state ... as a windrow” is distinct from Harris (US 267,523) (and any suggestions made by the *contained* material shown in Grabhorn ‘458 and the Japanese patent appl JP 60-98017) as Harris expressly teaches *passing brush C’ underneath brush C and between braces A and pickets B to resist the action of currents, and to clamp or tighten the longitudinal layer of brush C* (Harris, L. 71-76) and therefore teaches away from “piling ... in an uncontained state... as a windrow” (see the enclosed definitions of “windrow”, “bundle”, “contain” and “pile” taken from [www.bartleby.com](http://www.bartleby.com) which evidence that claim 10 recites the physical state of not being bundled which is a departure from the express and implied teachings of Harris); (4) the step of “collecting a wind blown particulate” (normally a

sand) is entirely devoid in Harris and is recited in the overall claim 10 combination. Harris does not teach or suggest such a claim 10 combination and does not provide a motivation to achieve the same. Claims 14-15, 17 being dependent therefrom are also believed to be patentable.

Claim 20 now recites an *uncontained windrow placed on the ground of the beach* which is believed to be a point of novelty per 37 CFR 1.111(c) from the cited art. Moreover, it is believed the cited art does not teach or suggest same. More specifically, references like White and Crawford that show an uncontained pile teach nothing about placing such on a beach. References teaching the placement of an object on the beach all teach a contained object. None suggest the combination or the desirability to make the combination. Claims 21-23 being dependent therefrom are also believed to be patentable.

A petition for a three-month extension of time along with the associated fee is enclosed. Please reconsider and reexamine the application in light of the remarks; and telephone the undersigned attorney if it could help to expedite the resolution of this application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Mark A. Oathout', with a large, sweeping flourish at the end.

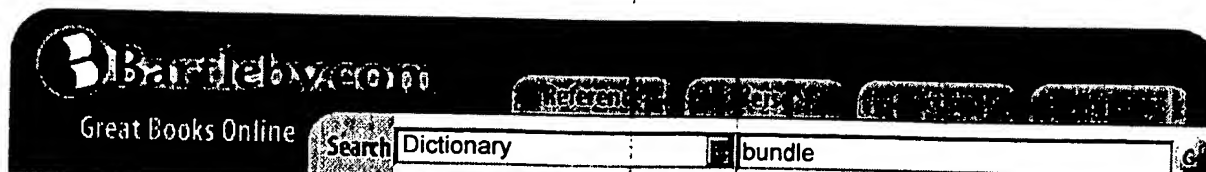
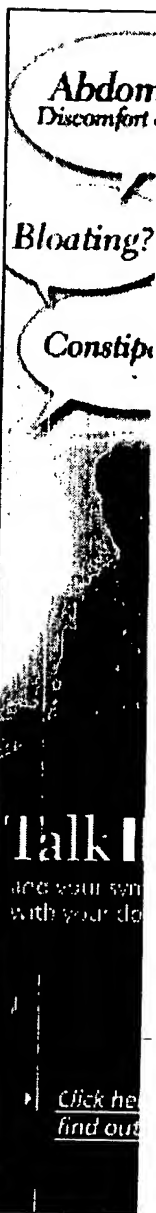
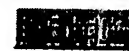
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## windrow

SYLLABICATION: wind<sup>row</sup>

PRONUNCIATION: wind'ro'

NOUN: 1. A row, as of leaves or snow, heaped up by the wind. 2. A long row of cut hay or grain left to dry in a field before being bundled. *[see related definition of "bundle"]*

TRANSITIVE Inflected forms: wind<sup>rowed</sup>, wind<sup>rowing</sup>,

VERB: wind<sup>rows</sup>

To shape or arrange into a windrow.

OTHER FORMS: wind'row'er — NOUN

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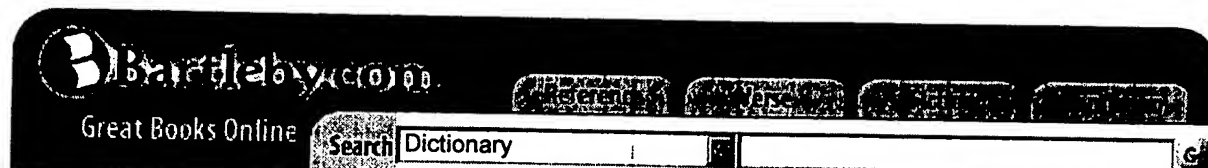
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## bundle

SYLLABICATION: bun|dle

PRONUNCIATION: bʌn'dl

**NOUN:** 1. A group of objects held together, as by tying or wrapping. 2. Something wrapped or tied up for carrying; a package. 3. *Biology* A cluster or strand of closely bound muscle or nerve fibers. 4. *Botany* A vascular bundle. 5. *Informal a.* A large amount; a lot: *had a bundle of fun at the dance.* *b.* A large sum of money: *made a bundle selling real estate.*

**VERB:** Inflected forms: **bun|dled, bun|dling, bun|dles**

**TRANSITIVE VERB:** 1. To tie, wrap, or gather together. 2. To dispatch or dispense of quickly and with little fuss; hustle: *bundled the child off to school.* 3. To dress (a person) warmly: *bundled them up in winter clothes.*

**INTRANSITIVE VERB:** 1. To hurry; hasten: *The children came bundling in from outside.* 2. To dress oneself warmly. 3.

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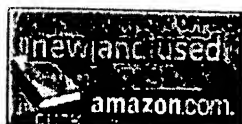
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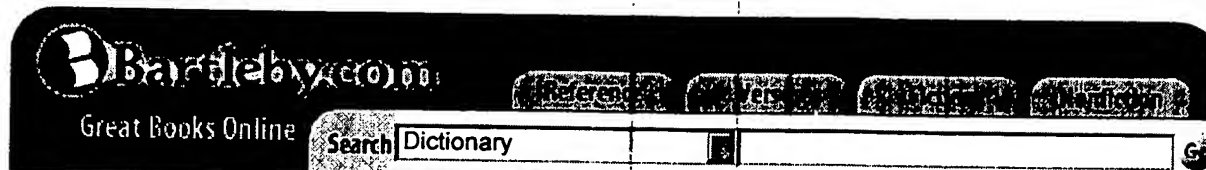
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## contain

SYLLABICATION: con|tain

PRONUNCIATION: kən-ˈtān

TRANSITIVE Inflected forms: **con|tained**, **con|tain|ing**,  
VERB: **con|tains**

**1a.** To have within; hold. **b.** To be capable of holding. **2.** To have as component parts; include or comprise: *The album contains many memorable songs.* **3a.** To hold or keep within limits; restrain: *I could hardly contain my curiosity.* **b.** To halt the spread or development of; check: *Science sought an effective method of containing the disease.* **4.** To check the expansion or influence of (a hostile power or ideology) by containment. **5. Mathematics** To be exactly divisible by.

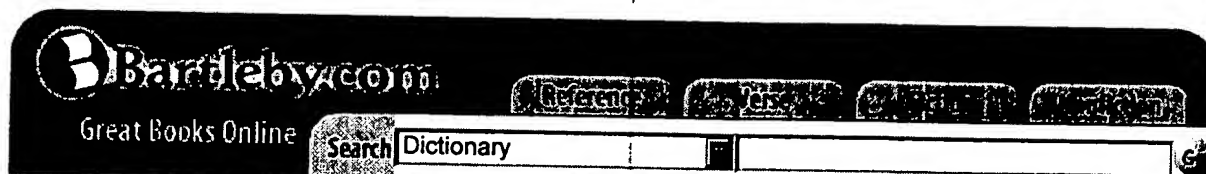
ETYMOLOGY: Middle English *contenien*, from Old French *contenir*, from Latin *continere* : *com-*, *com-* + *tenere*, to hold; see **ten-** in Appendix I.

OTHER FORMS: **con|tain'a|ble** —ADJECTIVE

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pile<sup>1</sup>

PRONUNCIATION: ˈpɪl

**NOUN:** 1. A quantity of objects stacked or thrown together in a heap. See synonyms at **heap**. 2. *Informal* A large accumulation or quantity: *a pile of trouble*. 3. *Slang* A large sum of money; a fortune: *made their pile in the commodities market*. 4. A funeral pyre. 5. A very large building or complex of buildings. 6. A nuclear reactor. 7. A voltaic pile.

**VERB:** Inflected forms: **piled, pil<sup>ing</sup>, piles**

**TRANSITIVE VERB:** 1a. To place or lay in or as if in a pile or heap:

*piled books onto the table*. b. To load (something) with a heap or pile: *piled the table with books*. 2. To heap (something) in abundance: *piled potato salad onto the plate*.

**INTRANSITIVE VERB:** 1. To form a heap or pile. 2. To move in, out, or

forward in a disorderly mass or group: *pile into a bus; pile out of a car*.

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